

ZB# 93-49

Suzanne & John Sweeney

73-3-6

Prelim.

Nov. 8, 1993

Ap. has applications.

Check measurements

& sketch in shed.

Also 98-14 A(X)

Need copy of:

- ① Deed ✓
- ② Title Report ✓
- ③ Photos ✓
- ④ Fees: ① \$50.00 Paid
② \$292.00

Notice to Sentinel 11/9/93

Letter out -

Public Hearing:

Nov. 22, 1993.

Area Variance

• Approved

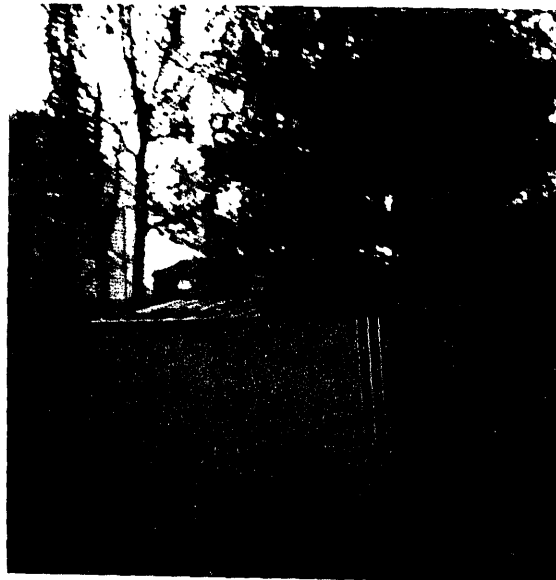
MADE IN U.S.A.

NO. 753 1/3

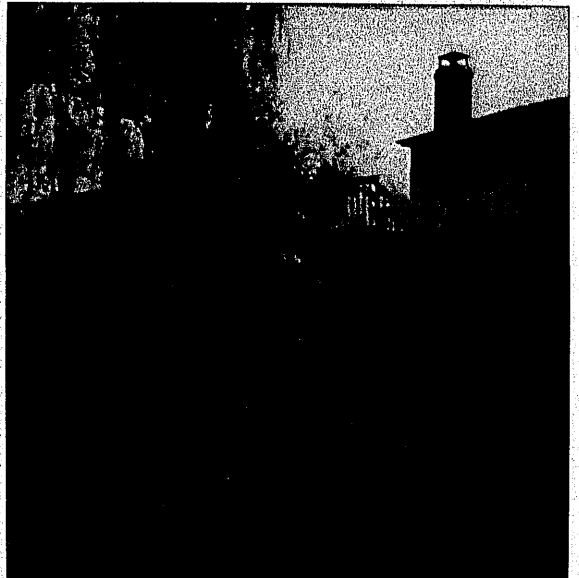
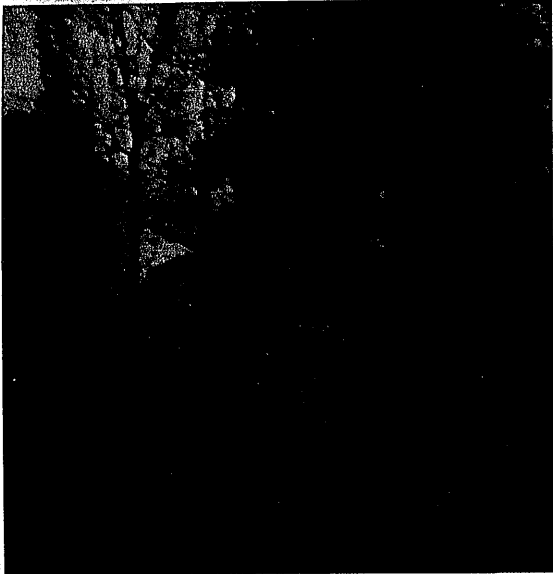
ESSELTE

Oxford®

#93-49-Sweeney, Suzanne & John
area - ②



104



CO # 66 - New Windsor Mall
STORE 6A

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

1371

November 10, 1993

Received of Suzanne M. Duraney \$ 50 ⁰⁰/₁₀₀
Fifty and 00/100 DOLLARS

For 3BA (93-49)

DISTRIBUTION:

FUND	CODE	AMOUNT
CHK. # 223		\$ 50.00

By Pauline B. Townsend
Town Clerk
Title

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Sweeney, Suzanne

FILE # 93-49

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ _____

* * * * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 292.00

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE \$ _____
2ND PRELIM. MEETING - PER PAGE \$ _____
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ _____

ATTORNEY'S FEES:

PRELIM. MEETING-	_____	HRS.	\$ _____
2ND PRELIM.	_____	HRS.	\$ _____
3RD PRELIM.	_____	HRS.	\$ _____
PUBLIC HEARING	_____	HRS.	\$ _____
PUBLIC HEARING	_____	HRS. (CONT'D)	\$ _____
FORMAL DECISION	_____	HRS.	\$ _____
TOTAL HRS. _____		@ \$ _____ PER HR.	\$ _____
		TOTAL	\$ _____

MISC. CHARGES:

_____ \$ _____
TOTAL \$ _____

LESS ESCROW DEPOSIT . . . \$ _____
(ADDL. CHARGES DUE) . . . \$ _____
REFUND TO APPLICANT DUE . . \$ _____

-----X

In the Matter of the Application of

SUZANNE SWEENEY,

DECISION GRANTING
AREA VARIANCES

#93-49.

-----X

WHEREAS, SUZANNE SWEENEY, 347 Nina Street, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for an 8 ft. 6 in. side yard variance for an existing shed and a 4 ft. rear yard variance for an existing deck located on the residential parcel at the above address located in an R-4 zone; and

WHEREAS, a public hearing was held on the 22nd day of November, 1993, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant appeared in behalf of herself and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations pertaining to rear and side yard in order to allow an existing shed (accessory building) and deck to remain in their present location at her residential dwelling in an R-4 zone. In addition, the applicant is seeking permission to vary the provisions of the Zoning Local Law of the Town of New Windsor at Section 48-14(A)(1)(b) which provides that an accessory building (which includes the shed in question) shall be set back ten (10) feet from any lot line.

3. The evidence presented by the applicant substantiated the fact that a variance for less than the allowable side yard and rear yard would be required in order for applicant to obtain a certificate of occupancy for the existing shed and deck located at the applicant's residential dwelling, which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that applicant reconstructed the original deck and made it larger because of a small jut which applicant wanted to even out. The original deck was probably added when the house was constructed

in 1973. Applicant stated that the original deck was replaced about 3½ years ago because it was in deteriorated condition. Eliminating the section of the original deck which jutted out increased the projection of the deck into the rear yard by 4 ft. and thus generates the need for the instant 4 ft. rear yard variance. When applicant purchased the house, she moved the shed to its present location in the side yard without the necessary approvals from the building inspector. Applicant was unaware that a variance would be required in order to locate the shed so close to the side property line. Applicant placed the shed in its present location because it was out of the way and unobtrusive to applicant and the neighbors in that location. Applicant is now considering the sale of the residence and must seek a variance to allow the shed and deck to remain in their present location.

5. The applicant now submits the instant application for area variances in order to try to obtain a Certificate of Occupancy for the existing shed and deck.

6. The evidence presented by the applicant indicated that the increase in the size of the deck to take care of the small jut created the need for the rear yard variance. The shed was placed in the side yard and cannot be moved because it was moved previously and if applicant attempted to move it a second time, it would probably fall apart.

7. The evidence presented by the applicant indicated that the aesthetics and utility of the deck were much improved with the small addition to the deck and the structure was made more functional since it created more outdoor living space. The evidence presented by applicant indicated that the shed was placed in the side yard adjacent to a fence and large willow tree which shrouds it from the neighbor's view.

8. The evidence presented by the applicant indicated that if the deck had been reconstructed in a conforming manner, it would constitute a hardship to applicant since it would not serve her purposes. In addition, applicant felt that it would be uneconomic to reconstruct a conforming deck with the same jut since she would not be able to realize the same return on her investment that she would receive from the 4 ft. larger deck.

9. The evidence presented by the applicant substantiated the fact that since the shed is located in the side yard under a large tree and adjacent to a fence, its impact on the neighboring properties is ameliorated, effectively concealing the shed from view. indicated that he located the shed in what he believed to be the best spot in the rear yard therefor. It was located near a large pine tree which helps screen the shed from view and it backs up to the garage on the neighboring property so there is virtually no visual impact from the neighboring properties.

10. The evidence presented by the applicant, and the Board's familiarity with the area, indicated that the neighborhood surrounding the subject site is devoted to residential use.

11. In addition, the Board finds that many of the

neighboring properties are improved with deck of a similar, or larger, size, as well as with sheds, some of which are as close to the property line as the applicant's shed.

12. It is the finding of this Board that the requested variance, if granted, will not blight the proper and orderly development and general welfare of the community since many of the residential dwellings located in the immediate area also have decks of comparable dimensions and sheds close to the property lines.

13. Given these factors, it is the finding of this Board that the applicant's existing deck and shed have not had, and will not have, an adverse effect on property values in the neighborhood.

14. The evidence presented by the applicant further substantiated the fact that the requested variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the shed and deck enhance the applicant's dwelling, are quite well concealed from view of the neighbor, and do not detract from the neighborhood.

15. It is the finding of this Board that the proposed variance will not adversely impact the public health, safety and welfare.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are substantial in relation to the bulk regulations for side yard and rear yard. However, it is the conclusion of this Board that the granting of the requested substantial area variances is warranted here because of the configuration of the lot, which is undersized, and which had an undersized rear yard with the original deck, makes any other location less functional and diminishes the utility of the rear and side yards. The presence of substantial fencing, and the visual concealment provided by the willow tree, minimizes the adverse impacts on the neighborhood.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is self-created since apparently she did not apply for a building permit for reconstruction of the deck and placement of the shed. She now is seeking to rectify the situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested area variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

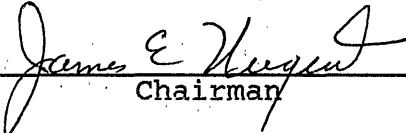
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT an 8 ft. 6 in. side yard variance for an existing shed, a variance from Section 48-14(a)(1)(b) of the Supplementary Yard Regulations for said existing shed and a 4 ft. rear yard variance for an existing deck in order to allow the existing structures to remain in their present locations, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 24, 1994.


Chairman

(ZBA DISK#10-011194.SS)

SWEENEY, JOHN

MR. NUGENT: Request for 8 ft. 6 in. side yard for existing shed and 4 ft. rear yard variance for existint deck located at 347 Nina Street in an R-4 zone.

Mrs. John Sweeney appeared before the board for this proposal.

MR. LUCIA: The assessor's list shows Herbert Langanke, is that your dad, Herb?

MR. LANGANKE: That is me.

MR. LUCIA: I assume that poses no problem for you?

MR. LANGANKE: Actually, that is my father but it was sent to me by mistake but I discussed it with him and it was no problem.

MR. LUCIA: As long as there's no problem with the applicant.

MRS. SWEENEY: No.

MR. LUCIA: I think the numbers on this in terms of the variance request were increased slightly from the first version of the denial we saw at the Preliminary Hearing. I'm not sure if the board was aware they are increased or not. But the numbers you have.

MRS. SWEENEY: I checked it again and I went back to Mike and we amended it.

MR. LUCIA: She's looking for marginally greater variances and decreasing the offsets she showed at the preliminary but we have it on file. She's also looking in addition to the numerical variances you see here for a variance from Section 4814 A 1 B since she has an accessory building set back less than ten feet from a lot line. Okay, explain to the board why it is you're here, please?

MRS. SWEENEY: I'm here applying for the variance because of the deck, it's four feet too close to the

101992.FD.

property line and the fence that the shed that we put up is almost on the property line so it need to.

MR. LUCIA: Explain to the board why it is you located the deck and shed in those locations.

MRS. SWEENEY: We replaced the existing deck that was already there but at the time we purchased the home, it did have a little jut out which doesn't show on the existing survey so we just continued that jut out. Then we find out that it is too big. The shed we weren't aware of that we needed a variance when we moved in, we just put one up, it was out of the way to the side. It didn't effect the view from the neighbors or ourselves so we just placed it there for convenience sake.

MR. LUCIA: The increase in the size of the deck to take care of the jut out is that what creates the variance request?

MRS. SWEENEY: Yes.

MR. LUCIA: And why did you do that, was that for utility?

MRS. SWEENEY: It looked nice, it was easier to put the grill out there just taking advantage of the extra space there.

MR. LUCIA: About how large is the total size of the deck?

MRS. SWEENEY: I think I have it down as 19 by 14.

MR. LUCIA: If it were a conforming deck it would have been, which dimensions would have been smaller?

MRS. SWEENEY: The 22 foot.

MR. LUCIA: It would have been 18 foot?

MRS. SWEENEY: Yes.

MR. LUCIA: And 18 foot deck would not have served your

purpose?

MRS. SWEENEY: Probably would have, yes. It would not have, I'm sorry, it would not have. We needed the extra four feet because we have a big grill. It's a hardship.

MR. LUCIA: Just in terms of economics, you felt the larger deck was a better expenditure of your money? You could not realize the same return on the investment if it was a smaller deck, is that correct?

MRS. SWEENEY: Yes.

MR. LUCIA: Most of your neighbors have decks?

MRS. SWEENEY: Yes.

MR. LUCIA: Of approximately the similar size?

MRS. SWEENEY: Some larger.

MR. LUCIA: Most of your neighbors have sheds?

MRS. SWEENEY: Yes.

MR. LUCIA: They are located as close to the property line as yours?

MRS. SWEENEY: Yes.

MR. LUCIA: Shed was concealed?

MRS. SWEENEY: Yes, it's low, there's a fence that, there is also a very large weeping willow you can't see it from the outside at all.

MR. LUCIA: Do you feel an undesirable change will be produced in the character of the neighborhood or detriment to adjoining properties by granting this variance?

MRS. SWEENEY: No.

MR. LUCIA: Is the benefit which you seek achievable by

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some other method for you to pursue other than an area variance?

MRS. SWEENEY: No.

MR. LUCIA: Is the requested area variance substantial that is in terms of numbers?

MRS. SWEENEY: I don't consider it so.

MR. LUCIA: I guess the eight foot six on the side yard ten foot requirement is numerically substantial but--

MRS. SWEENEY: If you look it, no, I don't think you don't see it. It doesn't effect the property by the neighbors or anything.

MR. LUCIA: No visual impact?

MRS. SWEENEY: Not at all.

MR. LUCIA: Will the proposed variance have an adverse effect or impact on physical or environmental conditions in the neighborhood or district?

MRS. SWEENEY: No.

MR. LUCIA: And did you create this difficulty yourself?

MRS. SWEENEY: Obviously I did, yes.

MR. LUCIA: But you're doing what you can?

MRS. SWEENEY: Yes.

MR. LUCIA: Also, thank you for providing me with a copy of deed and title policy that shows a number of covenants, restrictions, easements, whatever effecting your property. Is there anything concerning the title to your property which would prohibit you from maintaining either of these structures in the present location to your knowledge?

MRS. SWEENEY: No.

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MR. LUCIA: Thank you, I have no have further questions.

MR. NUGENT: Any further questions by the board? If there's no public here, so I'll open that and close it and if there's no further questions, accept a motion.

MR. HOGAN: So moved.

MR. TANNER: Second it.

ROLL CALL

MR. TANNER	AYE
MR. LANGANKE	AYE
MR. HOGAN	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

SWEENEY, SUZANNE

MR. NUGENT: Request for 7 ft. side yard variance for existing shed and 6 ft. rear yard variance for existing deck located at 347 Nine Street in an R4 zone.

Ms. Suzanne Sweeney appeared before the board for this proposal.

MR. LUCIA: Could you explain to us how it is the deck was placed in this location?

MS. SWEENEY: It was the existing deck when we purchased the house but it was in not very good shape so we decided to replace it on one of the parts of the deck which was there when we bought it, evidently, the other people put it on after, was a little jut out so we filled in the jut out and that is the part that is a little bit too big and the shed we brough with us from our other house and we put it there and it's too close to the fence.

MR. TORLEY: So the shed you can move?

MS. SWEENEY: It would be difficult to move it because it was moved once already so by doing so probably cause it to fall apart.

MR. LUCIA: How long ago did you replace this deck?

MS. SWEENEY: The deck was 3 1/2 years ago.

MR. LUCIA: Do you have any indication of how old the previous deck was?

MS. SWEENEY: It was with the house so the house was built in '73, it was the original deck.

MR. TORLEY: Where is the shed?

MS. SWEENEY: The shed is to the right, the shed is just to the other side of the deck.

MR. LUCIA: When you submit your application, maybe just sketch in on the drawing the shed so we can see

where it is. Suggest those measurements I see there aren't offsets shown on the map but this board--

MS. SWEENEY: The one I did with the building inspector in the office, I did show the other side.

MR. LUCIA: Neither the building inspector nor this board in any way checks your measurements. We only react to numbers you give us so my suggestion is you be quite confident of the numbers you come in with. The reason being if you make an error, you do it at your own peril. If it turns out you're applying for 6 foot variance and you need 7 foot, it does you no good. You're back here applying for the extra foot so for both and especially on the shed, I don't see any measurements so doublecheck.

MS. SWEENEY: It's about three feet from the property line.

MR. LUCIA: About three feet can be dangerous.

MR. NUGENT: Exactly what you want.

MR. TORLEY: Maybe give yourself a little safety margin in your measurements.

MS. SWEENEY: Okay.

MR. LUCIA: For the board's consideration, the applicant indicated the house was built in '73, it appears that by current zoning tables, the lot area is a little deficient and so is the front yard but if you want to address that at this point, I assume it was at the Planning Board.

MR. NUGENT: Does she have a C.O.?

MS. SWEENEY: Yes, I do.

MR. BABCOCK: Yes, she does have a C.O.

MR. NUGENT: Does haven't any decks on it, right?

MS. SWEENEY: It should, it was there when I bought it.

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MR. BABCOCK: This one was not filled out.

MR. NUGENT: Just on the building.

MR. BABCOCK: There's a building permit but the plot plan is not filled out, just says for 24 by 46.

MR. LUCIA: So we have both a rear yard and side yard and also I think although it is just another line item, you'd probably be looking for a variance for Section 4814 A 1 B since you'd have an accessory building setback less than ten feet from a lot line.

MS. SWEENEY: For the shed we're talking about?

MR. LUCIA: Same building, different section.

MR. BABCOCK: Dan, when you said it's a rear yard for the deck and side yard for the shed?

MR. LUCIA: Yes, okay, thank you.

MR. NUGENT: Any questions by the board? I'll accept a motion.

MR. HOGAN: So moved.

MR. TORLEY: Second that motion.

ROLL CALL

MR. TANNER	AYE
MR. HOGAN	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. LUCIA: Let me give you and copy of Section 267 B, I put an arrow in the margin next to the area variance requirements. If you read that over, there are 5 specific factors that you need to speak to when you come back to this board the standard is the benefit to you if the variance is granted as weighed against the

detriment to the health, safety and welfare by allowing you this variance from the Zoning Board requirements so if you come back, be prepared to speak to those issues.

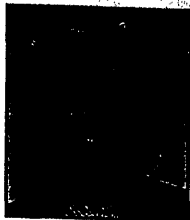
MS. SWEENEY: Health, safety and welfare of myself or the neighbors?

MR. LUCIA: Community. There are reasons why you need certain setbacks for the general public safety. You're asking this board to vary those requirements so what you need to show is the benefit to you outweighs whatever the diminution of the public health, safety and welfare is by allowing you that change from the Zoning Board and I'd like you to bring a copy of your deed, title policy and photographs.

MR. TORLEY: And mailing out things to your neighbors, tell your neighbors what you're talking about because they are going to get a letter saying you're asking for variances, string of numbers in the Town Code.

MS. SWEENEY: I will.

MR. LUCIA: Fill out the application, give Pat a call and return it with two checks, one for \$50 application fee and second for \$292 fee against Town consultant review fees and various disbursements the board has in handling your application.



RE/MAX

Benchmark Realty Group
Each Office Independently Owned and Operated

Suzanne M. Sweeney, GRI
Licensed Sales Associate

New Windsor Business Park
100 Commerce Drive, Suite 105
New Windsor, New York 12553
Office: (914) 565-0004
Fax: (914) 565-0005



#1 ZBA 11-8-93
SET UP FOR P/H

Page 1 of 2
pages.

ZONING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 1, 1993

APPLICANT: JOHN AND SUZANNE SWEENEY
347 NINA STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 1, 1993
FOR (BUILDING PERMIT): EXISTING 8FT. X 10FT. METAL SHED
LOCATED AT: 347 NINA STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 3, LOT: 6
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. INSUFFICIENT SIDE YARD SET-BACK**

Frank Jasi

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14 A(1)(B)	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD	10FT.	

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT 914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

SHED

1' 6" *8' 6"*

REVISSED 11-9-93

AS PER SUZANNE SWEENEY 11-9-93

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 1, 1993

APPLICANT: JOHN AND SUZANNE SWEENEY
347 NINA STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 1, 1993
FOR (BUILDING PERMIT): EXISTING 14FT. X 22 FT. REAR DECK
LOCATED AT: 347 NINA STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 3, LOT: 6
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK

Grant Lisi
BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE	G-10
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	

DECK
REVISED 11-9-93
36' FT
4 FT
84 FT.
6 FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

AS PER
SUZANNE SWEENEY
11-9-93

N00.8, 1993,
Page 1 - of 2 pages

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OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 1, 1993

APPLICANT: JOHN AND SUZANNE SWEENEY
347 NINA STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 1, 1993

FOR (BUILDING PERMIT): EXISTING 8FT. X 10FT. METAL SHED

LOCATED AT: 347 NINA STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 3, LOT: 6
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT SIDE YARD SET-BACK


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14 A(1)(B)	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD	10FT.	3FT. 7FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

Sheel

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
12. SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
13. ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises

John D + Suzanne M Sweeney

Address

347 Niner St

Phone

565-2907

Name of Architect

Address

Phone

Name of Contractor

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the

side of

Niner St

Shed

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
7. DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
8. \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
9. PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
10. THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
11. SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
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PLEASE PRINT INFORMATION

Name of Owner of Premises John D + Suzanne M Sweeney
 Address 347 Nina St Phone 565-2907
 Name of Architect _____
 Address _____ Phone _____
 Name of Contractor _____
 Address _____ Phone _____
 State whether applicant is owner, lessee, agent, architect, engineer or builder _____
 If applicant is a corporation, signature of duly authorized officer, _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of Nina St
 and 500 feet from the intersection of (N.S. E or W.) Sims
2. Zone or use district in which premises are situated _____ Is property a flood zone? Yes _____ No _____
3. Tax Map description of property: Section 73 Block 3 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
 Removal _____ Demolition _____ Other 8x10 METAL SHED
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
 Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
 Number of bedrooms _____ Baths _____ Toilets _____
 Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee 50 _____
 (to be paid on this application)
11. School District Newburgh

MOVE SHED OR GET VARIANCE

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.....

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
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- d. The work covered by this application may not be commenced before the issuance of a Building Permit.
- e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- f. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Jeanne M. Sweeney
(Signature of Applicant)

347 New ~~East~~ St. NW
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.

N

Refer —
 Planning Board.....
 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

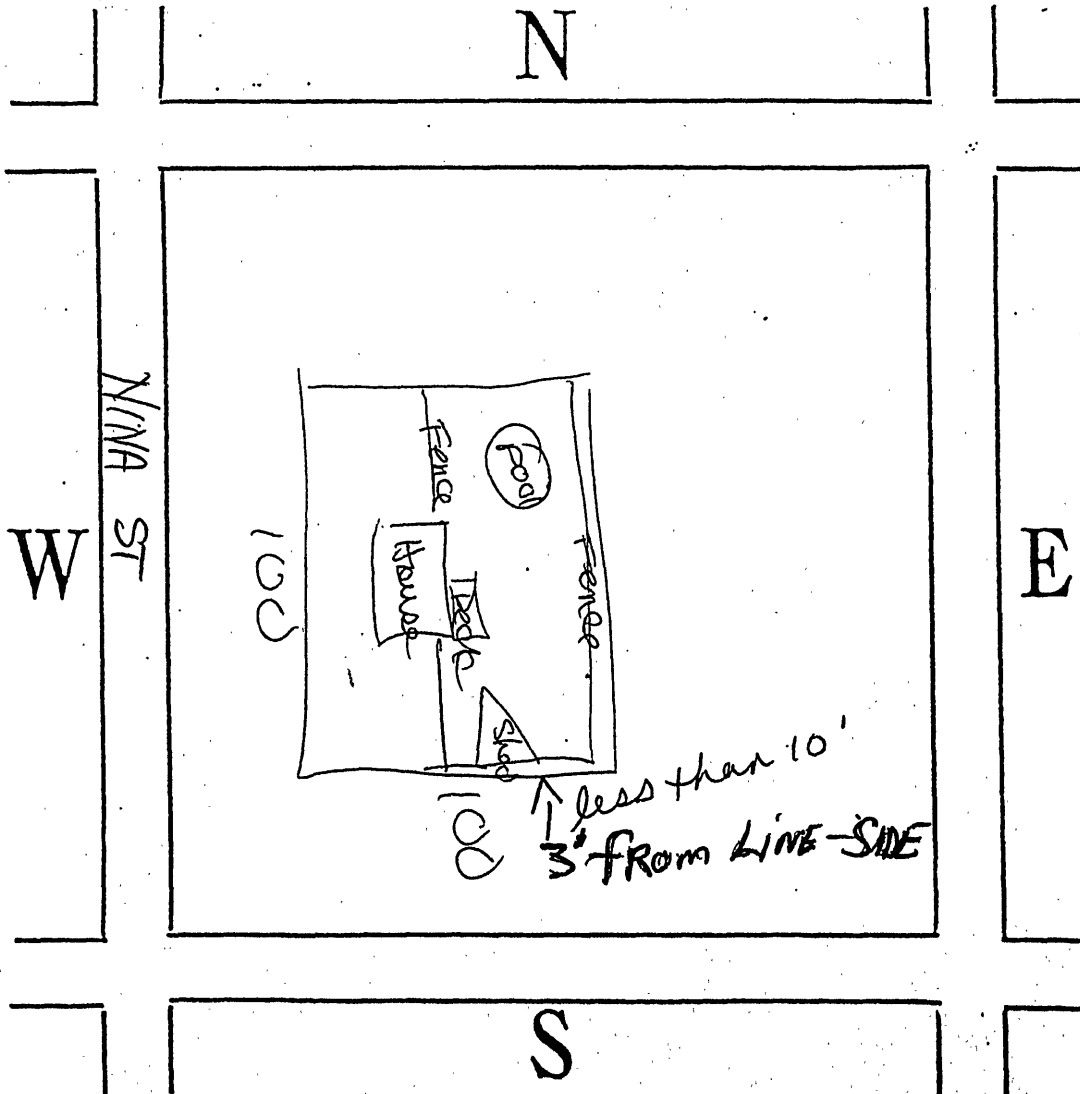
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Suzanne M. Sweeney *347 New Post NW*
 (Signature of Applicant) (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
 Applicant must indicate the building line or lines clearly and distinctly on the drawings.



OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: _____

APPLICANT: JOHN + SUZANNE SWEENEY
347 NINA ST
NEW WINDSOR NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 10-1-93
FOR (BUILDING PERMIT) FOR EXISTING 8X10 METAL SHED
LOCATED AT 347 NINA ST

ZONE R-4
DESCRIPTION OF EXISTING SITE: SEC: 73 BLOCK: 3 LOT: 6
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
SIDE YARD SET-BACK

FL
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE D-1 USE 40-14.1 (IND)

~~JOHN + SUZANNE SWEENEY~~
~~347 NINA ST~~
~~NEW WINDSOR NY 12553~~

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 10-1-93
FOR (BUILDING PERMIT) FOR EXISTING 8X10 METAL SHED
LOCATED AT 347 NINA ST

ZONE R-4
DESCRIPTION OF EXISTING SITE: SEC: 73 BLOCK: 3 LOT: 6
ONE FAMILY HOUSE

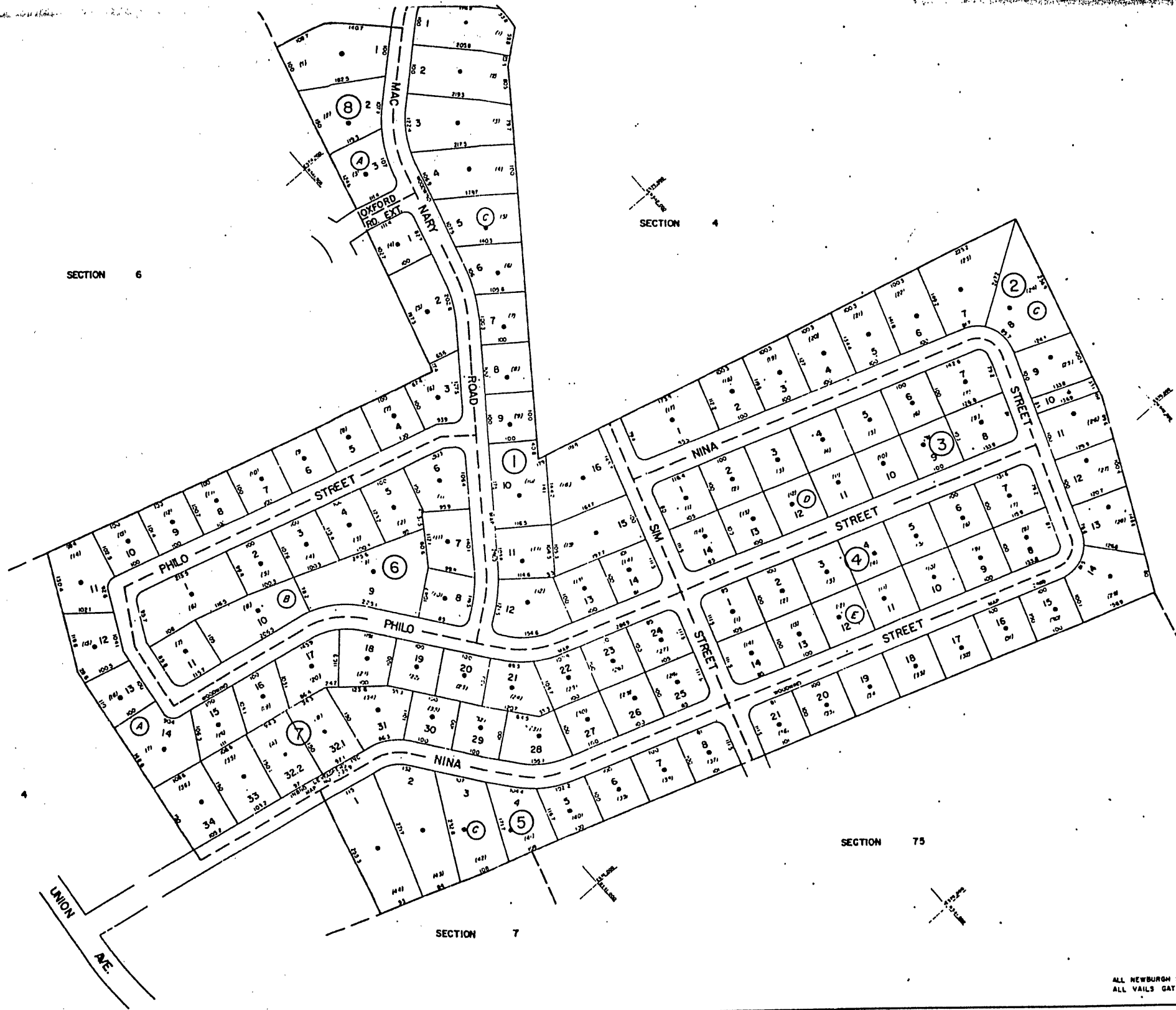
IS DISAPPROVED ON THE FOLLOWING GROUNDS: INSUFFICIENT
SIDE YARD SET-BACK

FL
BUILDING INSPECTOR

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>R-4</u> USE <u>48-14A (1)(B)</u>			
MIN. LOT AREA			
MIN. LOT WIDTH			
REQ'D FRONT YD			
REQ'D SIDE YD.	<u>10'</u>	<u>3'</u>	<u>7'</u>
REQ'D TOTAL SIDE YD.			
REQ'D REAR YD.			
REQ'D FRONTAGE			
MAX. BLDG. HT.			
FLOOR AREA RATIO			
MIN. LIVABLE AREA			
DEV. COVERAGE			

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
[REDACTED] TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

914) 363-4630
CC: Z.B.A., APPLICANT, E.P. FILE



279

ALL NEWBURGH SCHOOL DISTRICT
ALL VAILS GATE FIRE DISTRICT

Prepared by
ORANGE CO. TAX MAP DEPT.
MAIN ST., GOSHEN, N. Y. 10924

FOR TAX PURPOSES ONLY

NOT TO BE USED FOR CONVEYANCE

LEGEND			
STATE OR COUNTY LINE	FILED PLAT LOT LINE	TAX MAP BLOCK NO.	FILED PLAT BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAT LOT NO.
BLOCK & SECTION LIMIT	RAILROAD LINE	AREAS	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 8-539,541

Date of Photo: 3-1-65

Date of Map: 10-24-72

Date of Revision: 3-1-91

Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 73

Page 2 of 2 pages

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 1, 1993

APPLICANT: JOHN AND SUZANNE SWEENEY
347 NINA STREET
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 1, 1993
FOR (BUILDING PERMIT): EXISTING 14FT. X 22 FT. REAR DECK
LOCATED AT: 347 NINA STREET

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION: 73, BLOCK: 3, LOT: 6
ONE FAMILY HOUSE

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. INSUFFICIENT REAR YARD SET-BACK


BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE G-10	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.	40FT.	34FT. 6FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

27

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

Deck 14 x 22

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
2. FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
3. INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
4. WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
5. INSULATION.
6. PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN, BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
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14. ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

PLEASE PRINT INFORMATION

Name of Owner of Premises John D. & Suzanne M. Sweeney
Address 347 Nina St Phone 505 2907
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

1. On what street is property located? On the Nina St side of Nina St
and 500 feet from the intersection of Simms (N.E. or W.)
2. Zone or use district in which premises are situated 73 Is property a flood zone? Yes.....No.....
3. Tax Map description of property: Section 73 Block 3 Lot 6
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

Deck 14x22

1. WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
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PLEASE PRINT INFORMATION

Name of Owner of Premises John D. & Suzanne M. Sweeney
Address 347 Nina St Phone 505 2907
Name of Architect _____
Address _____ Phone _____
Name of Contractor _____
Address _____ Phone _____
State whether applicant is owner, lessee, agent, architect, engineer or builder _____
If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

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a. Existing use and occupancy _____ b. Intended use and occupancy _____
5. Nature of work (check which applicable): New Building _____ Addition _____ Alteration _____ Repair _____
Removal _____ Demolition _____ Other 14x22 wood deck
6. Size of lot: Front Rear _____ Depth _____ Front Yard _____ Rear Yard _____ Side Yard _____
Is this a corner lot? _____
7. Dimensions of entire new construction: Front _____ Rear _____ Depth _____ Height _____ Number of stories _____
8. If dwelling, number of dwelling units _____ Number of dwelling units on each floor _____
Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost _____ Fee \$140 = _____
(to be paid on this application)
11. School District Newburgh 308 sq ft

See List on BACK - Need VARIANCE

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.....

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- a. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- b. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
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APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

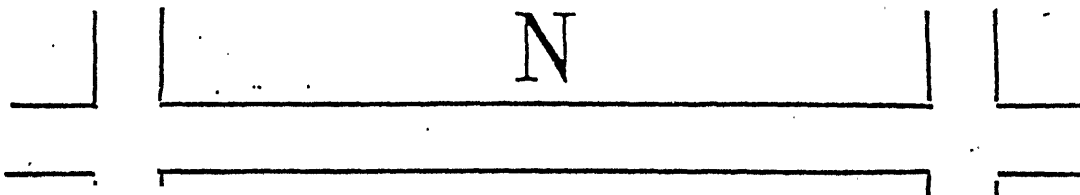
Suzanne M. Sweeney
(Signature of Applicant)

347 Rena St. NW
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT
Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

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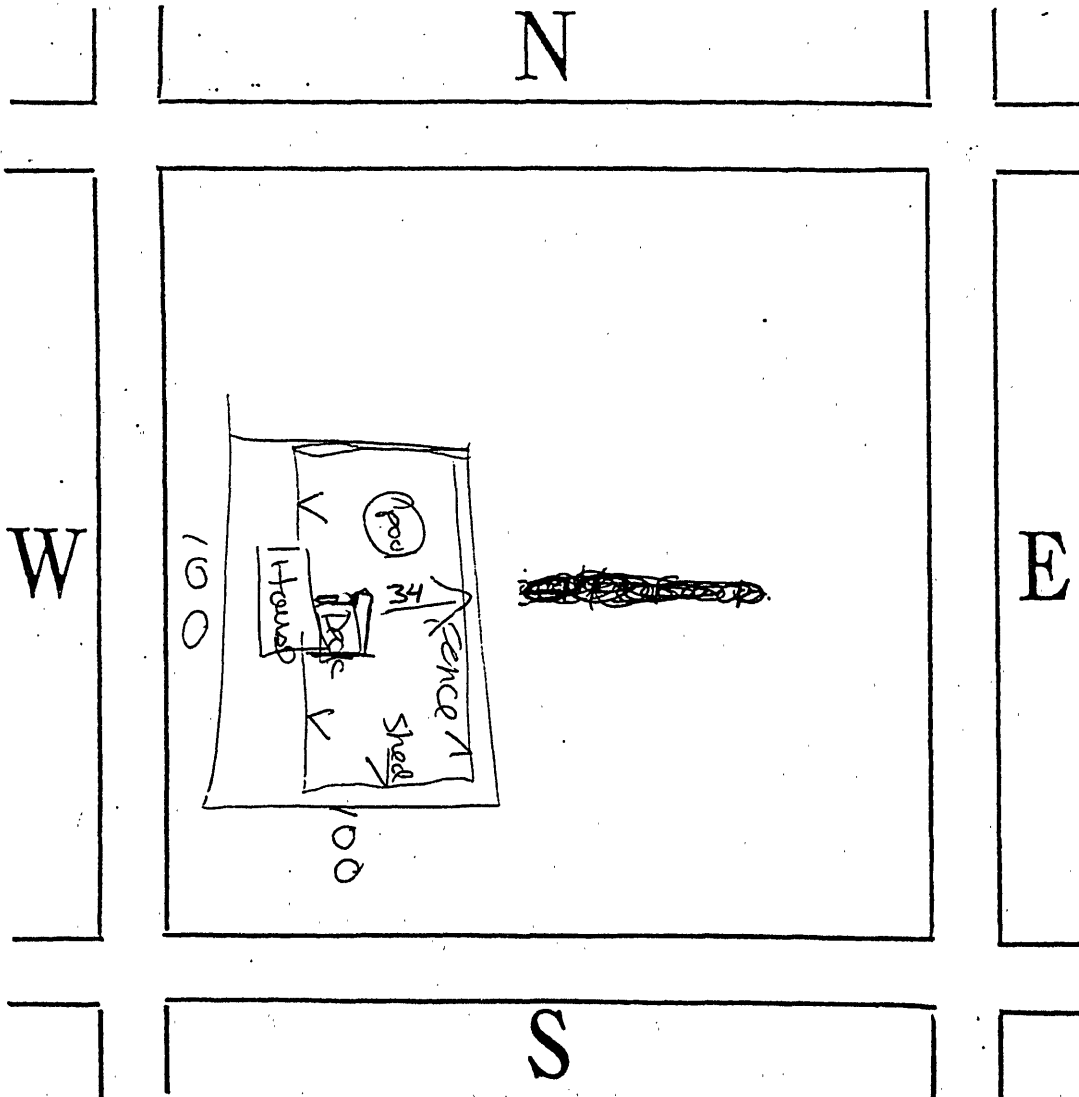
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Suzanne M. Sweezy
(Signature of Applicant)

347 Hend Sh. NW
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



JUNE 14, 1988

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 49

Request of John Sweeney & Suzanne Sweeney
for a VARIANCE of

the regulations of the Zoning Local Law to
permit existing deck & shed with insufficient
side & rear yards;

being a VARIANCE of

Section 48-12 - Table of Use/Bulk Regs. - Cols. F, G.
for property situated as follows:

347 Nina Street, New Windsor, N.Y.,
known & designated as tax lot Section 73-
BK. 3 - Lot 6.

SAID HEARING will take place on the 22nd day of
November, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

James Nugent
Chairman

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

John Sweeney.

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#93-49.

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)


PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On November 10, 1993, I compared the 53 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
10th day of November, 1993.


Notary Public
 PAULINE G. TOWNSEND
 Notary Public, State of New York
 No. 4643692
 Appointed in Orange County
 My Commission Expires December 31, 1993

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

93-49

Date: 11/9/93

I. Applicant Information:

- (a) SUZANNE & JOHN SWEENEY 347 NINA ST New Windsor
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

☐ Use Variance

☐ Sign Variance

☒ Area Variance

☐ Interpretation

III. Property Information:

- (a) R-4 73-3-6 100 x 100
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 1988
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? -
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: metal storage shed
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

[Handwritten signature and notes]

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. F, G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd. <u>10</u>	<u>3</u>	<u>7</u>
Reqd. Rear Yd. <u>40</u>	<u>34</u>	<u>6</u>
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

Many other homes in this development have had variances granted for sizeable additions & decks. My request is for only an additional 5 feet of deck space & would not interfere with my neighbors' views or use of their homes.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

_____.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

_____.

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

_____.

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The shed is not visible to my neighbors & the deck is attractive to view.

_____.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
☒ Copy of tax map showing adjacent properties.

- 4 -

KAR-VIN ABSTRACT CORP.
273 Quassaick Avenue
New Windsor, N. Y. 12550
(914) 562-2622

10/20/88

Jerald Fiedelholz, P.C.
PO Box 4088
New Windsor, NY 12550

Re: Title No. 881275
Premises: 347 Nina Street
Purchaser/Borrower: John D. Sweeney and Suzanne M. Sweeney

Gentlemen:

Enclosed herein please find Policy of Title Insurance in the above matter.

Thank you for giving us this opportunity to be of service to you.

Very truly yours,

KAR-VIN ABSTRACT CORP.

Vincent J. Tangredi

VJT/laf

Enclosure

Policy

606-259464



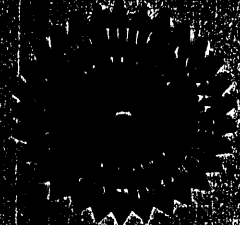
FRANC COMPANY

THE NEW YORK TIMES

In Witness Whereof, the Common Life and Title Insurance Company has caused this policy to be signed and sealed with its corporate seal on this 11th day of June, 1964, at its office in the City of New York, New York.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

CONFIDENTIAL



Attien

Authorized Validating Signature

Gayle A. Burke
President

President

James J. O'Connell

SECRET



**COMMONWEALTH LAND
TITLE INSURANCE COMPANY**
A Reliance Group Holdings Company

MARKET VALUE POLICY RIDER

Date of Issue: 8/26/88

RIDER NUMBER
751-020713

Name(s) of Insured Homeowner(s)

Title No.

John D. Sweeney and Suzanne A. Sweeney

Owner's Statement of Coverage:

In consideration of the payment of the additional premium for the issuance of this Rider to the Basic Policy, the company insures the named homeowner against loss or damage not exceeding the market value of the premises at the time of loss, in accordance with the conditions of the Basic Policy not inconsistent with the provisions of this Rider, and subject to the matters excepted from coverage in Schedule B.

DEFINITIONS:

- (a) The Basic Policy is the policy issued to the named insured herein in the amount of the original purchase price paid for the insured premises, and is identified as N.Y.B.T.U. Form No. 100D or 100E.
- (b) A homeowner is a natural person, fee owner and resident of a one or four family dwelling, a residential condominium unit, or a residential co-operative leasehold interest. The benefits of this Rider shall be available only to the named insured provided he is a homeowner as defined herein at the date of the issuance of this Rider and at the date any claim under this Rider is made.
- (c) Market value at time of loss shall be such value of the insured premises as is established in accordance with the procedures for valuation set forth in paragraph 5(b) (3) of the Basic Policy. Such valuation shall be determined as of the time that Notice of Claim is given to the company pursuant to the Basic Policy, minus the market value of any improvements made to the premises subsequent to the date of the Basic Policy. The valuation procedures set forth in paragraph 5(b) (3) of the Basic Policy shall also apply in the event the insured premises is a residential cooperative leasehold interest.

CONDITIONS:

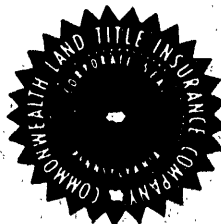
- (a) Paragraph 6 of the Basic Policy is hereby amended to delete subdivisions (b) and (c). The first and second paragraphs of subdivision (a) are hereby deleted and the following paragraph is substituted in place thereof:
In the event that a partial loss occurs after the insured makes an improvement to the insured premises subsequent to the date of this Rider, the valuation of such partial loss shall be determined in relationship to the market value of the premises at the time of such partial loss, minus the market value of such improvements made to the insured premises subsequent to the date of this Rider.
- (b) Notwithstanding anything herein to the contrary, in the event of a loss, partial or total, the insured shall have the option to elect to value such loss under the terms of this Rider or under the terms and amount of the Basic Policy.
- (c) All other provisions of the Basic Policy, not inconsistent with the provisions of this Rider, shall remain in full force and effect.
- (d) This Rider and the Basic Policy is the entire contract between the named insured and the Company.

IN WITNESS WHEREOF COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed by its duly authorized officers.

Countersigned

COMMONWEALTH LAND TITLE INSURANCE COMPANY

By _____
Authorized Officer or Agent



By

Joseph A. Burke
President

Attest:

James J. D. Lynch Jr.
Secretary

Commonwealth Land Title Insurance Company

Policy No. 606-259464 Title No. H900842

Name of Insured: John D. Sweeney and Suzanne M. Sweeney

Amount of Insurance: \$147,000.00

Date of Issue: 8/26/88

The estate or interest insured by this policy is fee simple vested in the insured by means of deed

made by Leslie G. Sloan and Dale V. Sloan to the insured dated 8/26/88 and duly recorded in the office of the County Clerk, County of ORANGE.

SCHEDULE B

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any noncompliance with any violation thereof.
4. Judgements against the insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to, by or with the privity of the insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.

Policy No. 606-259464

Title No. H900842

SCHEDULE B (continued)

7. Mortgage made by John D. Sweeney and Suzanne M. Sweeney to Market Street Mortgage Corporation dated 8/26/88 recorded 8/29/88 in Liber 3170 Mp. 139 in the office of the County Clerk, County of Orange.
8. Survey dated 6/14/88 made by Francis E. Whitaker, L.S., shows: 1) dwelling, raised deck and 10' wide storm drain easement within bounds, 2) macadam drive extends outside northwesterly boundary line leading to Nina Street.
9. Grants in Liber 1110 Cp. 356, Liber 1136 Cp. 210, Liber 1341 Cp. 258, Liber 1427 Cp. 346, Liber 1769 Cp. 991, Liber 1769 Cp. 992, Liber 1931 Cp. 664 and Liber 1937 Cp. 548.
10. Notes and setbacks on filed map #2869.
11. Rights of tenants or persons in possession.
12. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.
13. The amount of acreage is not insured.
14. Policy does not insure title to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
15. Subject to rights and easements if any acquired by any public utilities company to maintain its poles and operate its wires, lines etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.

Policy No. 606-259464

Title No. H900842

SCHEDULE A

The premises in which the insured has the estate or interest covered by this policy.

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being shown and designated Lot 6, Block D as shown on a certain map entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County, New York, dated February 1972, revised April 18, 1972 and filed in Orange County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets).

STATE OF NEW YORK, COUNTY OF ORANGE

SS:

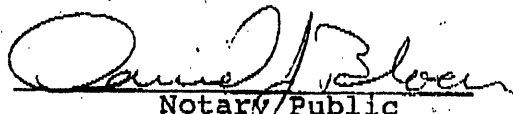
STATE OF NEW YORK, COUNTY OF

SS:

On the 26th day of August 1988, before me personally came

Leslie G. Sloan and Dale V. Sloan

to me known to be the individual^s described in and who executed the foregoing instrument, and acknowledged that they executed the same.



Notary Public

DANIEL J. BLOOM
Notary Public, State of New York
Residing in Orange County
Commission Expires March 31, 1994

2129780

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

SS:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.

SECTION 73

BLOCK 3

LOT 6

COUNTY OR TOWN

New Windsor, Orange
County, New York

LESLIE G. SLOAN and DALE V. SLOAN

TO

JOHN D. SWEENEY and SUZANNE M. SWEENEY

RECORD & RETURN BY MAIL TO:

Jerald Fiedelholz, P.C.
270 Quassaick Avenue
P O Box 4088
New Windsor, New York 12550
Zip No.

2129780

LIBER 2998 PAGE 208

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

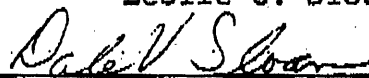
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



Leslie G. Sloan



Dale V. Sloan

Standard N.Y.B.T.U. Form 8007
 Bargain & sale deed, with covenant against grantor's acts—Ind. or Corp.

JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

R-5467

THIS INDENTURE, made the 26th day of August, nineteen hundred and eighty eight.

BETWEEN LESLIE G. SLOAN and DALE V. SLOAN, husband and wife, both presently residing at #347 Nina Street, Town of New Windsor, Orange County, New York 12550.

party of the first part, and JOHN D. SWEENEY and SUZANNE M. SWEENEY, husband and wife, both presently residing at #39 Cross Street, Town of New Windsor, Orange County, New York 12550.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND 00/100----- (\$10.00) -----dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

~~ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the~~

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of New Windsor, County of Orange, State of New York, being shown and designated as Lot No. 6, Block D, as shown on a certain map entitled "Woodwind", (formerly McNary) Town of New Windsor, Orange County, New York, dated February, 1972, revised April 18, 1972, and filed in the Orange County Clerk's Office on September 26, 1972, as Map No. 2869 (Two Sheets).

ALSO BEING and intended to be the same premises as described in that certain deed dated February 17, 1981, made by Harvey L. Wasserman and Sharon Wasserman, husband and wife, to Leslie G. Sloan and Dale V. Sloan, husband and wife, and recorded in the Orange County Clerk's Office on February 20, 1981, in Liber 2187 of Deeds at Page 434.

party of the first part, and JOHN D. SWEENEY and SUZANNE M. SWEENEY, husband and wife, both presently residing at #39 Cross Street, Town of New Windsor, Orange County, New York 12550.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

-----TEN AND 00/100-----(\$10.00)-----dollars,

lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

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FAX MEMO PAGES 3

TO: Suzanne

DEPT.: _____

FAX: _____

FROM: Anthony

CO: _____

PHONE: _____

FAX: _____

LIBER 2998 PAGE 206

73
3
6



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

53

October 18, 1993

John D. & Suzanne Sweeney
347 Nina St.
New Windsor, NY 12553

Re: Tax Map Parcel: 73-3-6

Dear Mr. & Mrs. Sweeney:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00. Please remit the balance of \$50.00 to the Town Clerk's office.

Sincerely,

Leslie Cook (CA)

LESLIE COOK
Sole Assessor

LC/cad
Attachments
cc: Pat Barnhart

53

Suo, John A. & Katherine M.
364 Nina Street
New Windsor, NY 12553

Rostek, Jan & Angelina
362 Nina Street
New Windsor, NY 12553

Organ, Thomas F. & Margaret M.
360 Nina Street
New Windsor, NY 12553

Probst, Carol &
Whitaker, Jeremiah M.
c/o Dept. of Housing & Urban Development
Case #374-072653-203
Attn: Single Family Loan Mgt.
26 Federal Plaza
New York, NY 10278

Griffin, Thomas J. Jr. & Kathleen L.
356 Nina Street
New Windsor, NY 12553

Lepora, Carmine & Frances
354 Nina Street
New Windsor, NY 12553

Ahern, Judith A.
352 Nina Street
New Windsor, NY 12553

App, Howard L. & Elsa
350 Nina Street
New Windsor, NY 12553

McCrossen, John C. & Kathryn
348 Nina Street
New Windsor, NY 12553

Union Ave Developers Inc.
178 Grand Street
Newburgh, NY 12550

Macchiarella, Isidoro & Rosaria
346 Nina Street
New Windsor, NY 12553

Romero, Barbara L. &
Wood, Joseph M.
344 Nina Street
New Windsor, NY 12553

Stiller, James & Jeanne
342 Nina Street
New Windsor, NY 12553

Lehman, Gail
340 Nina Street
New Windsor, NY 12553

Kostenblatt, Mary & William
338 Nina Street
New Windsor, NY 12553

DeMilt, Brendan F. & Susan D.
336 Nina Street
New Windsor, NY 12553

Wallace, Marilyn
334 Nina Street
New Windsor, NY 12553

Cohen, Elliot & Vicki
332 Nina Street
New Windsor, NY 12553

Nicolosi, Francis A. & Geraldine
330 Nina Street
New Windsor, NY 12553

Smith, Ray C. & Elizabeth A.
357 Nina Street
New Windsor, NY 12553

Bernstein, Myron & Phyllis F.
355 Nina Street
New Windsor, NY 12553

Stadler Jr., Edward A. &
Noll, Kathy A.
353 Nina Street
New Windsor, NY 12553

Gordon, Robin S.
351 Nina Street
New Windsor, NY 12553

Cabasin, Joseph J. Jr. & Dorothy C.
349 Nina Street
New Windsor, NY 12553

Murtagh, Patrick &
Izzo, Lisa
345 Nina Street
New Windsor, NY 12553

Malaszuk, Peter & Irene
343 Nina Street
New Windsor, NY 12553

Grimm Jr., Joseph J. & Patricia A.
Box 2866
Newburgh, NY 12550

Cestari, Alfred & Maureen
435 Philo Street
New Windsor, NY 12553

McCann, Thomas J. & Lorraine
433 Philo Street
New Windsor, NY 12553

Adams, Gary R.
431 Philo Street
New Windsor, NY 12553

Guarracino, John & Mary C.
429 Philo St.
New Windsor, NY 12553

Scott, Thomas & Joanne
22-30 79th Street
Jackson Heights, NY 11370

Hersh, Bob & Rosemary
444 Philo Street
New Windsor, NY 12553

Finneran, Thomas & Kathleen
446 Philo Street
New Windsor, NY 12553

Sherman, Bertram P. & Beverly J.
448 Philo Street
New Windsor, NY 12553

Irizarry, Helga
450 Philo Street
New Windsor, NY 12553

Roberts, Dennis & Joan E.
452 Philo Street
New Windsor, NY 12553

Dubiansky, Stephen & Joanne
454 Philo Street
New Windsor, NY 12553

Sousa, Ian J. & Filomena
456 Philo Street
New Windsor, NY 12553

McKeon, Donald S. & Diana
339 Nina Street
New Windsor, NY 12553

Hughey, Janice E.
337 Nina Street
New Windsor, NY 12553

D'Agostino, Robert & Xiomara
335 Nina St.
New Windsor, NY 12553

Enders, Villi P.
333 Nina St.
New Windsor, NY 12553

Breakiron, Richard C. & Bogardus, Anneke-Jans
331 Nina St.
New Windsor, NY 12553

Murphy, William S. Jr. & Brandee L.
329 Nina St.
New Windsor, NY 12553

Canale, John N. & Catherine A.
327 Nina St.
New Windsor, NY 12553

Scheible, Otto
439 Little Britain Rd.
Newburgh, NY 12550

Geraci, Joseph P. & Myra Jean
Steele Rd.
New Windsor, NY 12553

Cech, Anton & Lucia
Steele Rd.
New Windsor, NY 12553

Schaller, Patricia H. & Kurt A. & Stephen Schaller
54 Steele Rd.
New Windsor, NY 12553

Mac Nary, Lawrence F.
58 Steele Rd.
New Windsor, NY 12553

Steele, Lois
P.O. Box 2181
Newburgh, NY 12550

Langanke, Herbert
435 Little Britain Rd.
New Windsor, NY 12553